

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FANG WANG, et al.,

Defendants.

NO. CR 17-135 TSZ

PROTECTIVE ORDER

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected and Sensitive Material.

A. Protected Material. The following documents and materials shall be designated as Protected Material:

- i. Grand Jury transcripts and exhibits;
- ii. Witness statements, including but not limited to reports of law enforcement officers memorializing witness statements; and
- iii. The personal information related to victims and/or witnesses, and any statements and/or documents containing personal information related to any victims and/or witnesses. As used in this Order, the term "personal information" refers to

1 each victim and/or witnesses' date of birth, Social Security number (or other
2 identification information), driver's license number, address, telephone number, location
3 of residence or employment, school records, juvenile criminal records, and other
4 confidential information. In addition, with respect to any victims in this case, the term
5 "personal information" also includes the name and identity of each victim.

6 The United States will make available copies of the Protected Materials, including
7 those filed under seal, to defense counsel to comply with the government's discovery
8 obligations. Possession of copies of the Protected Materials is limited to the attorneys of
9 record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of
10 record (hereinafter collectively referred to as "members of the defense teams"):

11 The attorneys of record and members of each Defendant's defense team may share
12 and review the Protected Material with their respective Defendant. The attorneys of
13 record and members of the defense team acknowledge that providing copies of the
14 Protected Material to the Defendants and other persons is prohibited, and agree not to
15 duplicate or provide copies of the Protected Material to the Defendants and other persons.
16 The exception to this prohibition is the dissemination of electronic copies to the Federal
17 Detention Center at SeaTac, Washington, for use in a controlled environment by any
18 Defendants who may in custody there. The United States Attorney's Office for the
19 Western District of Washington is prohibited from providing copies of the Protected
20 Material to non-law enforcement witnesses or potential witnesses.

21 *B. Sensitive Material.* The following documents and materials shall be
22 designated as Sensitive Material:

- 23 i. Medical records related to victims and/or witnesses; and
- 24 ii. Unredacted sexually suggestive photographs of victims
25 and/or witnesses, including but not limited to photographs connected to online
26 advertisements for prostitution.

1 Possession of Sensitive Material is limited to attorneys of record and
2 members of the defense teams. The attorneys of record and members of the defense
3 teams may not share or review the documents containing Sensitive Material, or any
4 copies of any documents containing Sensitive Material, in any manner with any other
5 person, including Defendants. This order, however, does not prohibit attorneys of record
6 and members of the defense team from discussing the contents of documents constituting
7 Sensitive Material with Defendants, as long as the attorneys of record and members of
8 the defense teams do not share the documents or copies of the documents with
9 Defendants or any other person. The attorneys of record and members of the defense
10 teams shall keep any documents containing Sensitive Material secured whenever the
11 documents containing Sensitive Material are not being used in furtherance of their work
12 in the above captioned case.

13 The Government shall clearly label each page of Protected or Sensitive Material
14 with the words "Protected" or "Sensitive," respectively. Pages that are not clearly
15 labeled as such will not be subject to this Protective Order. However, if the Government
16 notifies the defense via electronic mail that already-produced materials should in fact
17 have been labeled as "Protected" or "Sensitive," the parties agree to treat the materials as
18 such in the future.

19 Additional discovery items may be deemed by the parties to constitute Protective
20 or Sensitive Material upon agreement.

21 Any violation of these prohibitions constitutes a violation of the Protective Order.
22 Further, the attorneys of record are required, prior to disseminating any copies of the
23 Protected or Sensitive Materials to members of the defense teams, to provide a copy of
24 this Protective Order to members of the defense teams, and obtain written consent by
25 members of the defense teams of their acknowledgment to be bound by the terms and
26 conditions of this Protective Order. The written consent need not be disclosed or
27 produced to the United States unless requested by the Assistant United States Attorney

1 and ordered by the Court. Nothing in this order should be construed as imposing any
2 discovery obligations on the government that are different from those imposed by case
3 law and Rule 16 of the Federal Rules of Criminal Procedure.

4 **2. Filing**

5 Any Protected or Sensitive Material that is filed with the Court in connection with
6 pre-trial motions, trial, or other matter before this Court, shall be filed under seal and
7 shall remain sealed until otherwise ordered by this Court. This does not entitle either
8 party to seal their filings as a matter of course. The parties are required to comply in all
9 respects to the relevant local and federal rules of criminal procedure pertaining to the
10 sealing of court documents.

11 **3. Nontermination**

12 The provisions of this Order shall not terminate at the conclusion of this
13 prosecution.

14 **4. Violation of Any Terms of this Order**

15 Any violation of any term or condition of this Order by the Defendants, their
16 attorneys of record, any member of the defense teams, or any attorney for the United
17 States Attorney's Office for the Western District of Washington, may be held in contempt
18 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by
19 this Court.

20 If any Defendant violates any term or condition of this Order, the United States
21 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
22 any criminal charges relating to the Defendant's violation.

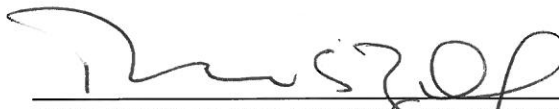
23 **5. Right to Review**

24 The parties agree that in the event that compliance with this Order makes it
25 difficult for defense counsel to adhere to their Sixth Amendment obligations, or
26 otherwise imposes an unworkable burden on counsel, defense counsel shall bring any
27 concerns about the terms of the Order to the attention of the government. The parties

1 shall then meet and confer with the intention of finding a mutually acceptable solution.
2 In the event that the parties cannot reach such a solution, defense counsel shall have the
3 right to bring any concerns about the scope or terms of the Order to the attention of the
4 Court.

5 The Clerk of the Court is directed to provide a filed copy of this Protective Order
6 to all counsel of record.

7 DATED this 26 day of May, 2017.

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11 THE HONORABLE THOMAS S. ZILLY
12 UNITED STATES DISTRICT COURT JUDGE
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14 Presented by:

15 s/ Catherine L. Crisham
16 CATHERINE L. CRISHAM
17 Assistant United States Attorney
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